EXHIBIT "A"

(DeSalvo)

Case 3:20-cv-08267-FLW-TJB Document 33 Filed 01/25/21 Page 1 of 57 PageID: 345

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

CHRISTINE CONFORTI, ARATI KREIBICH, MICO LUCIDE, JOSEPH MARCHICA, KEVIN MCMILLAN, ZINOVIA SPEZAKIS, and NEW JERSEY WORKING FAMILIES ALLIANCE, INC.,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk, SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk, PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk, JOHN S. HOGAN, in his official capacity as Bergen County Clerk, EDWARD P. MCGETTIGAN, in his official capacity as Atlantic County Clerk, and E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk,

Defendants.

Civ. A. No. 3:20-CV-08267-FLW-TJB

FIRST AMENDED COMPLAINT

Plaintiffs Christine Conforti, Arati Kreibich, Mico Lucide, Joseph Marchica, Kevin McMillan, Zinovia Spezakis, and New Jersey Working Families Alliance, Inc. (collectively, "Plaintiffs") file this First Amended Complaint for Declaratory and Injunctive Relief against Defendants Christine Giordano Hanlon, in her official capacity as Monmouth County Clerk, Scott M. Colabella, in his official capacity as Ocean County Clerk, Paula Sollami Covello, in her official capacity as Mercer County Clerk, John S. Hogan, in his official capacity as Bergen County Clerk,

EXHIBIT "B"

(DeSalvo)

DONATO J. BATTISTA HUDSON COUNTY COUNSEL ADMINISTRATION BUILDING ANNEX 567 PAVONIA AVENUE JERSEY CITY, NEW JERSEY 07306 (201) 795-6250

BY: DANIEL J. DESALVO (#010502006)

DEPUTY COUNTY COUNSEL

ATTORNEY FOR COUNTY OF HUDSON, E. JUNIOR MALDONADO, IN HIS OFFICIAL CAPACITY AS HUDSON COUNTY CLERK

CHRISTINE CONFORTI, ARATI : UNITED STATES DISTRICT COURT

ARATI KREIBICH, MICO LUCIDE : DISTRICT OF NEW JERSEY

JOSEPH MARCHICA,

KEVIN MCMILLAN, ZINOVIA SPEZAKIS, & NJ WORKING FAMILIES ALLIANCE,

Plaintiffs, : CASE NO.3:20-CV-08267-FLW-TJB

v.

:

COUNTY OF HUDSON, E. JUNIOR : MALDONADO, in his official : Capacity as Hudson County

Clerk, et al

Defendants.

CERTIFICATION OF

E. JUNIOR MALDONADO

IN SUPPORT OF MOTION

I, E. JUNIOR MALDONADO, certify as follows:

- 1. I am the Hudson County Clerk, and in my capacity as Hudson County Clerk, and pursuant to statute, I am responsible for the preparation of all ballots pertaining to the elections in the County of Hudson.
- 2. The design and layout of the ballot in a political party primary election is governed by Title 19 of the New Jersey Statutes, which provides the rules for the filing of

petitions, bracketing of candidates, slogans, and the process for the ballot draw to determine the order of the candidates.

- 3. During the 2020 Primary election there were also in place a series of Executive Orders which provided rules for the dates and times of elections and, also how the elections would be conducted via absentee ballot.
- 4. In order to appear on the ballot potential candidates are required to submit the requisite petition pursuant to N.J.S.A. 19:23-14. Municipal candidates submit their petitions to the Municipal Clerk. County Candidates submit their petitions to the County Clerk. State and Federal candidates submit their petitions to the Secretary of State. In order to create the ballots the Municipal Clerks and the Secretary of State communicate to the County Clerks which candidates should appear on the ballot, and for which office.
- 5. Candidates are permitted to bracket with whomever candidates they choose (so long as the candidates consent to being bracketed together) and this bracketing request must be submitted within 48 hours of the petition filing deadline, N.J.S.A. 19:49-2.

- 6. Plaintiff Spezakis submitted a bracketing request letter on April 7, 2020 in which Plaintiff requested, "I hereby request to be bracketed with and otherwise featured on the same line of the ballot, and with the same slogan, "Not Me. Us." along with the candidate for County Freeholder. The letter also requested that she be bracketed with Lawrence Hamm, candidate for United States Senate. [See Exhibit "A"]
- 7. The ballot drawing was conducted on April 9, 2020 at 3:00PM via Zoom, and streamed live online via Facebook and Instagram due to the COVID-19 in-person restrictions in place at that time.
- 8. The names of the two candidates for United States Senator were placed on small, white pieces of paper with adhesive backing. Each candidate's name was then placed in its own small, plastic container. The containers were placed in a wooden "hopper," which is closed and rotated. The first name drawn was that of Senate Candidate, Lawrence Hamm. As first draw his name was placed in Column A. Senator Booker's name was drawn next and placed in Column B. Because Plaintiff Spezakis and Mr. Hamm had consented to being bracketed with each other as candidates, Plaintiff

Spezakis's name was placed under that of Candidate Hamm and in the row designated for Congressional candidates. Freeholder candidate, Roger Quesada, was placed below her name in the row designated for Freeholder at her request. (See Exhibit "B")

- 9. Attached is a copy of the Official Results of the Primary Election held on July 7, 2020, last updated July 23, 2020. [Attached hereto as Exhibit "C"]
- 10. Attached is a copy of the letter solicitation from Plaintiff Spezakis to my office soliciting my support for her "Fair Ballot Project." [Attached hereto as Exhibit "D"]
- 11. I received no communication from any candidate contesting or otherwise challenging the ballot drawing for this ballot.
 - 12. The Primary election occurred on July 7, 2020.

I certify that the foregoing statements are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/E.JUNIOR MALDONADO

Dated: March 25, 2021

EXHIBIT "A"

Zina Spezakis
Candidate for United States Congress
House of Representatives, CD-9
400 Tenafly Road, #695
Tenafly, New Jersey 07670
zina@zinaforcongress.com

April 7, 2020

Honorable E. Junior Maldonado Hudson County Clerk 257 Cornelison Avenue, 4th Floor Jersey City, New Jersey 07302 countyclerk@henj.us

Re: Zinovia Spezakis Bracketing Request for 2020 Democratic Primary Election

Honorable County Clerk:

I am a candidate for the United States Congress House of Representatives in New Jersey's 9th Congressional District in connection with the June 2, 2020 Democratic Primary Election. A valid petition with signatures in excess of the required number of signatures has been filed by my campaign with the Secretary of State of State

As the County Clerk is aware, pursuant to N.J.S.A. 19:49-2, a candidate who files nominating petitions with Secretary of State's Office may request to be featured on the same line of the ballot with the same slogan as candidates who file a joint petition with the County Clerk. When only one county freeholder position is on the ballot, the petition of a single candidate who filed a petition with the County Clerk satisfies the requirements of a joint petition for purposes of allowing for bracketing request to be bracketed with and otherwise featured on the same line of the ballot, and with the same slogan, "Not Me. Us." as the following candidates for County Freeholder in their respective districts, who submitted a petition to your office:

- 1. County Freeholder, District 1: Ninofhka Torres
- 2. County Freeholder, District 2: Gabriella Ambroise
- 3. County Freeholder, District 3: Rachael O'Brien
- 4. County Freeholder, District 4: Eleana Little
- 5. County Freeholder, District 5: Ronald Bautista
- 6. County Freeholder, District 6: Kevin Hernandez
- County Freeholder, District 7: Casey Timorason
 County Freeholder, District 8: Roger Quesada
- 9. County Freeholder, District 9: Arthur Rehak

I hereby also request to be bracketed with and otherwise featured on the same line of the ballot, and with the same slogan "Not Me. Us." As the following candidate:

Lawrence Hamm: Candidate for the United States Senate.

EXHIBIT "B"

Form 17 - KEARNY

Primary Election Sample Ballot fown of Kearny – County of Hudson

The polls will be open from 6:00 AM to 8:00 PM

BE VOTED UPON AT THE PRIMARY ELECTION ON JULY 7, 2020 THIS IS A SAMPLE OF THE PROVISIONAL BALLOT THAT IS TO

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7 de Julio de 2020 Boleta de Muestra de la Elección Primaria Ciudad de Kearny – Condado de Hudson

EN LA VOTACION DE LA ELECCIÓN PRIMARIA, EL 7 DE JULIO DE 2020 ESTA ES UNA MUESTRA DE LA BOLETA PROVISIONAL QUE SE USARÁ Los centros de votación estarán abiertos desde las 6:00 AM hasta las 8:00 PM

The Primary Election on July 7, 2020 is being conducted primarily by mail as per Exacutive Order #144 signed by Governor Murphy on May 15, 2020.

This is your Sample Ballot. This is NOT your Vote-by-Mail Ballot used to cast your vote. If you need to recuest a duplicate Vote-by-Mail Ballot, please call (201) 389-3470, option 6.

Voters who received a Vote-by-Mail ballot are encouraged to mail their ballot to the Hudson County Board of Elections in the postage paid shyelope as soon as possible. Ballots returned by mail must be postmarked no later than 8:00 p.m. on July 7, 2020. Ballots may also be placed in one of many secure Election Ballot Drop Boxes located throughout the County The locations of Hudson County's Election Ballot Drop Boxes can be found at www.hudsoncountyclerk.org. The deadline for placing it in one of the secure drop boxes or for delivering your ballot in person to the Hudson County Board of Elections is 8:00 p.m. on July 7, 2020.

A limited number of polling places are available to voters on Election Day where only provisional paper ballots will be available to cast your vote. The location of your polling place is on the reverse side of this sample ballot. If a voter has a disability and needs an accessible ballot help-the may call the County Clerk's Office or may go to his/her assigned polling place which will provide access to an in-person accessible voting device on Primary Election Day.

This Primary Election Sample Ballot can also be found at www.hudsoncountyclerk.org. A sample ballot will be posted at each polling place.

If you have questions call the County Clerk's Office at (201)369-3470, option 6 or the County Board of Elections at (201)369-3435.

La elección Primaria del 7 de Julio de 2020 se está llevando a cabo principalmente por correo según la Orden ejecutiva #144 firmada por el gobernador Murphy el 15 de Mayo de 2020.

Esta es su boleta de muestra. Esta NO es su boleta de Voto Por Correo utilizada para emitir su voto. Si usted necesita solicitar un duplicado de la boleta de voto por

A los votantes que recibieron una boleta de voto por correo se les solicita enviar su boleta por correo a la Junta Electoral del Condado de Hudson en el sobre que ya tiene el franque pagado (no necesita estampilia) la antea posible. Las boletas devuetas por correo deben ser estampiliadas a más tander el 7 de Julio de 2020 a las 8:00 p.m. Las boletas también se pueden colocar en una de las muchas casillas de seguridad de votación electoral ubicadas en todo el condado. Las ubicaciones de los casilleros electorales de votación del condado de Hudson se pueden encontrar en unwuhudsoncourtyclerk.org. La fecha limite para colocarlo en uno de los buzones de seguridad o para entregar su boleta en persona a la Junta Electoral del Condado de Hudson es el 7 de Julio de 2020 a las 8:00 p.m.

Hay un número limitado de lugares de votación disponibles para los votantes en el día de las elecciones, donde solo boletas provisionales de papel estarán disponibles para emitir su voto. La ubicación de su lugar de votación está al otró lado de esta boleta de muestra. Si un votante tiene una discapacidad y necestía una boleta electronal accesible, puede llarmar a la Oficina del Secretario del Condado o puede ir a su lugar de votación asignado, el cual le proporcionará acceso a un dispositivo de votación accesible en asignado, el cual le proporcionará acceso a un dispositivo de votación accesible persona el Día de la Elección Primaria.

Esta boleta de muestra de la elección primaria también se puede encontrar en www nudsoncountyclerk.org. Se publicará una boleta de muestra en cada lugar de votación.

Keemy - Form 17

Si usted tiene preguntas, por favor llamar a la oficina del Secretario del Condado al 201) 369-3470, opción 6 o la Junta de Elecciones del Condado al (201) 369-3435.

Form 20 - SECAUCUS

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Primary Election Sample Ballot Town of Secaucus – County of Hudson

BE VOTED UPON AT THE PRIMARY ELECTION ON JULY 7, 2020 THIS IS A SAMPLE OF THE PROVISIONAL BALLOT THAT IS TO The polls will be open from 6:00 AM to 8:00 PM

rvecretario del Condado de Hudson lune 23, 2020

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The Primary Election on July 7, 2020 is being conducted primarily by mail as per Executive Order #144 signed by Governor Murphy on May 15, 2020.

ESTA ES UNA MUESTRA DE LA BOLETA PROVISIONAL QUE SE USARÁ

EN LA VOTACION DE LA ELECCION PRIMARIA, EL 7 DE JULIO DE 2020 Los centros de votación estarán abiertos desde las 6:00 AM hasta las 8:00 PM Boleta de Muestra de la Elección Primaria Ciudad de Secaucus – Condado de Hudson

This is your Sample Ballot. This is NOT your Vote-by-Mail Ballot used to cast your vote. If you need to request a duplicate Vote-by-Mail Ballot. please call (201) 365-3470, option 6.

Voters who received a Vote-by-Mall ballot are encouraged to mail their ballot to the Hudson County Board of Elections in the postage paid envelope as soon as possible Ballots returned by mail must be postmarked no later than 8:00 p.m. on July 7, 2020. Ballots may also be placed in one of many secure Election Ballot Drop Boxes located throughout the County. The locations of Hudson County's Election Ballot Drop Boxes can be found a! www.hudsoncountyclerk.org. The deadline for placing it in one of the secure drop boxes or for delivering your ballot in-person to the Hudson County Board of Elections is 8:00 p.m. on July 7, 2020.

A limited number of polling places are available to voters on Election Day where only provisional paper ballots will be available to east your yole. The location of your polling place is on the reverse side of this sample ballot. If a voter has a disability and needs an accessible ballot habshe may call the County Clerk's Office or may go to his/her assigned polling place which will provide access to an in-person accessible ballot needs which will provide access to an in-person accessible roting device on Primary Election Day.

A sample ballot will be posted at each polling place. This Primary Election Sample Ballot can also be found at www.hudsoncountyclerk.org

If you have questions call the County Clerk's Office at (201)369-3470, option 6 or the County Board of Elections at (201)369-3435.

La elección Primaria del 7 de Julio de 2020 se está llevando a cabo principalmente por correo según la Orden ejecutiva ≢144 firmade por el gobernador Murphy el 15 de Mayo de 2020.

Esta es su boleta de muestra. Esta NO es su boleta de Voto Por Correo utilizada para emitir su voto. Si usted necesita solicitar un duplicado de la boleta de voto por correo, por favor llame al (201) 369-3470, opción 6.

A los votantes que recibieron una boleta de voto por correo se les solicita enviar su boleta por correo a la Junta Electroal del Condado de Hudson en el sobre que va tiene el franqueo pagado (no necesita estampilla lo antes posible. Las boletas devueltas por correo deben ser estampillades a más larder el 7 de Julio de 2020 a las 8000 p.m. Las boletas también se pueden colocar en una de las muchas casillas de seguridad de votación electoral ubicadas en todo el condado. Las ubicaciones de los casilleros electrorales de votación del condado de Hudson se pueden encontrar en www.hudsoncountyclerk.org. La fecha limite para colocarlo en uno de los buzones de seguridad o pera entregar su boleta en persona a la Junta Electoral del Condado de Hudson es el 7 de Julio de 2020 a las 8:00 p.m.

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Hay un número limitado de lugares de votación disponibles para los votantes en el día de las elecciones, donde solo boletas provisionales de papel estarán disponibles para entitra su voto. La ubicación de su lugar de votación está al otro lado de esta boleta de muestra. Si un votante tiene una discapacidad y necesita una boleta electoral accesible, puede llamar a la Oficina del Secretario del Condado o puede ir a su lugar de votación asignado, el cual le proporcionará acceso a un dispositivo de votación accesible en asignado, el cual le proporcionará acceso a un dispositivo de votación accesible en persona el Dia de la Elección Primaria.

Esta boleta de muestra de la elección primaria también se puede encontrar en www. hudsoncountyclerk.org. Se publicará una boleta de muestra en cada lugar de votación. Si usted tiene preguntas, por favor llamar a la oficina del Secretario del Condado al 201) 369-3470, opción 6 o la Junta de Elecciones del Condado al (201) 369-3435.

APPLIANCE TO

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EXHIBIT "C"

EXHIBIT "D"



County Clerk E. Junior Maldonado 257 Cornelison Avenue, Jersey City, NJ 07302 countyclerk@hcnj.us

January 27, 2021

Dear County Clerk E. Junior Maldonado,

Thank you for your service to the citizens of New Jersey.

The Fair Ballot Project is working on behalf of New Jersey voters asking our elected officials to support fair ballot design. New Jerseyans deserve to have fairly elected leaders working for us. That's why we asked you to pledge to support fair ballots, such as ballots without lines, columns or slogans, by signing our attached Fair Ballot Pledge.

Studies have proven that the current design of our Primary Ballot has a huge effect on the outcome of elections. In fact, according to a legal challenge, "the state's failure to treat candidates for the same office equally places a significant burden on voting rights that would not survive a constitutional challenge." (RUBIN, 2020)

The United States is a democracy. Fair ballots are an integral part of that. As County Clerk, you are directly responsible for our Primary Ballot. As such, we ask that you work on behalf of our voters in support of fair ballot design by completing the Fair Ballot Pledge. For more information, analysis and data, please go to fairballotproject.org/research.

If you have any questions, please contact us at info@fairballotproject.org.

Sincerely,

Zina Spezakis Executive Director Fair Ballot Project

CC: Press

Source: RUBIN, J. S. (2020, June 26). *Can Progressives Change New Jersey?* Retrieved from The American Prospect: https://prospect.org/politics/can-progressives-change-new-jersey/

', of the State of New Jersey that I will support any and all efforts, legislative and otherwise, to reform New Jersey's primary election ballot system so as to	—) pledge to the voters of Legislative District of the State of / and all efforts, legislative and otherwise, to reform New Jersey's as to
a) promote equality and fairness between candidates running for the same office, and	unning for the same office, and
 b) prevent undue influence on voters based on the design of the ballot itself, by getting rid of outdated and undemocratic practices such as bracketing, the County Line, preferential ballot draws for ballot position among candidates running for the same office, columns and rows. 	gn of the ballot itself, by getting rid of ting, the County Line, preferential ballot draws same office, columns and rows.
Signature	Date
Witness	Date